

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

GALACTIC POWER, LLC,	§	
	§	
Plaintiff,	§	CIVIL ACTION NO. 4:23-CV-00405-
v.	§	SDJ-AGD
	§	
PICKENS RESOURCE CORP.,	§	
	§	
Defendant.	§	
	§	

**MEMORANDUM ADOPTING THE REPORT AND
RECOMMENDATION OF UNITED STATES MAGISTRATE JUDGE**


Came on for consideration the Report and Recommendation (“Report”) of the United States Magistrate Judge in this action, this matter having been heretofore referred to the Magistrate Judge pursuant to 28 U.S.C. § 636. On July 2, 2024, the Magistrate Judge entered a Report, (Dkt. #55), recommending Plaintiff’s Motion for Summary Judgment, (Dkt. #27), be denied and Defendant’s Motion for Summary Judgment, (Dkt. #35), be granted. On July 16, 2024, Plaintiff filed objections to the Report (Dkt. #59). On July 29, 2024, Defendant filed a Response (Dkt. #60).

Having received the Report of the Magistrate Judge, considered Plaintiff’s objections, (Dkt. #59), Defendant’s Response, (Dkt. #60), and having conducted a de novo review, the Court is of the opinion that the findings and conclusions of the Magistrate Judge are correct and adopts the Magistrate Judge’s report as the findings and conclusions of the Court.

It is therefore **ORDERED** that Plaintiff’s Motion for Summary Judgment, (Dkt. #27), is **DENIED** and Defendant’s Motion for Summary Judgment, (Dkt. #35),

is **GRANTED**. It is further **ORDERED** that Defendant's Motion for Judgment on the Pleadings, (Dkt. #23), is **DENIED AS MOOT**. It is further **ORDERED** that Plaintiff's Motion for Leave to File Amended Complaint and Modify the Scheduling Order (Dkt. #61) is **DENIED**. It is further **ORDERED** that Plaintiff's claims are **DISMISSED WITH PREJUDICE**. It is further **ORDERED** that Defendant's counterclaim is **DISMISSED WITHOUT PREJUDICE**.

So ORDERED and SIGNED this 13th day of September, 2024.


SEAN D. JORDAN
UNITED STATES DISTRICT JUDGE